

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00893-APM**

AMERICAN OVERSIGHT v. U.S. ENVIRONMENTAL  
PROTECTION AGENCY

Assigned to: Judge Amit P. Mehta  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/17/2018

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**AMERICAN OVERSIGHT**

represented by **Katherine Marie Anthony**  
AMERICAN OVERSIGHT  
1030 15th Street, NW  
Suite B255  
Washington, DC 20005  
(202) 897-3918  
Fax: (202) 871-6523  
Email: [katherine.anthony@americanoversight.org](mailto:katherine.anthony@americanoversight.org)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Sara Kaiser Creighton**  
AMERICAN OVERSIGHT  
1030 15th Street, NW  
Suite B255  
Washington, DC 20005  
(202) 869-5246  
Fax: (202) 871-6523  
Email: [sara.creighton@americanoversight.org](mailto:sara.creighton@americanoversight.org)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

represented by **Jeremy S. Simon**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2528  
Fax: (202) 252-2599  
Email: [jeremy.simon@usdoj.gov](mailto:jeremy.simon@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 04/17/2018 | <u>1</u> | COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY ( Filing fee \$ 400 receipt number 0090-5426143) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons as to USAO, # <u>3</u> Summons as to AG, # <u>4</u> Summons as to EPA)(Creighton, Sara) (Entered: 04/17/2018) |
| 04/17/2018 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 04/17/2018)  |
| 04/17/2018 |          | Case Assigned to Judge Amit P. Mehta. (jd) (Entered: 04/19/2018)  |
| 04/20/2018 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 04/20/2018)  |

|            |           |   |
|------------|-----------|---|
| 05/09/2018 | <u>4</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/24/2018. ( Answer due for ALL FEDERAL DEFENDANTS by 5/24/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/24/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ENVIRONMENTAL PROTECTION AGENCY served on 4/23/2018 (Attachments: # <u>1</u> Exhibit A)(Creighton, Sara) (Entered: 05/09/2018) |
| 05/21/2018 | <u>5</u>  | Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 05/21/2018)   |
| 05/21/2018 |           | MINUTE ORDER granting Defendant's <u>5</u> Consent Motion for Extension of Time to Answer or Otherwise Respond to Complaint. Defendant's responsive pleading now is due on or before June 21, 2018. Per the agreement of the parties, if Defendant's responsive pleading is an Answer, then Defendant shall file a status report on or before June 28, 2018, that updates the court on the status of Plaintiff's FOIA request. Signed by Judge Amit P. Mehta on 5/21/2018. (lcapm2) (lcapm2, ) (Entered: 05/21/2018)  |
| 05/21/2018 |           | Set/Reset Deadlines: Defendant's Responsive Pleading due by 6/21/2018, Status Report due by 6/28/2018. (zjd) (Entered: 05/24/2018)  |
| 06/21/2018 | <u>6</u>  | ANSWER to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Simon, Jeremy) (Entered: 06/21/2018)   |
| 06/27/2018 | <u>7</u>  | ORDER directing the parties to meet and confer and file a Joint Status Report on or before July 11, 2018. See the attached Order for details. Signed by Judge Amit P. Mehta on 6/27/2018. (lcapm2) (Entered: 06/27/2018)  |
| 06/27/2018 | <u>8</u>  | ENTERED IN ERROR.....ORDER setting an Initial Scheduling Conference for July 27, 2018, at 2:00 p.m. in Courtroom 10 before Judge Amit P. Mehta. See the attached Order for details. Signed by Judge Amit P. Mehta on 6/27/2018. (lcapm2) Modified on 6/27/2018 (jf). (Entered: 06/27/2018)  |
| 06/27/2018 |           | Set/Reset Deadlines/Hearings: Joint Status Report due by 7/11/2018. (zjd) Modified to remove erroneously filed hearing date on 6/29/2018 (zjd). (Entered: 06/27/2018)   |
| 06/27/2018 |           | NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>8</u> Order, was entered in error and will be refiled in correct case. (jf) (Entered: 06/27/2018)  |
| 06/28/2018 | <u>9</u>  | STATUS REPORT ( <i>Defendant's Status Report Pursuant to May 21, 2018 Order</i> ) by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 06/28/2018)  |
| 06/29/2018 |           | NOTICE OF CORRECTED DOCKET ENTRY: re Set/Reset Deadlines/Hearings were entered in error. (zjd) (Entered: 06/29/2018)  |
| 07/11/2018 | <u>10</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 07/11/2018)  |
| 07/12/2018 |           | MINUTE ORDER. In light of the parties' <u>10</u> Joint Status Report, the parties are directed to file another Joint Status Report on or before August 17, 2018. Signed by Judge Amit P. Mehta on 7/12/2018. (lcapm2) (Entered: 07/12/2018)   |
| 07/12/2018 |           | Set/Reset Deadlines: Joint Status Report due by 8/17/2018. (zjd) (Entered: 07/12/2018)  |
| 08/17/2018 | <u>11</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 08/17/2018)  |
| 08/20/2018 |           | MINUTE ORDER. In light of the parties' <u>11</u> Joint Status Report, the parties shall file another Joint Status Report on or before September 19, 2018. Signed by Judge Amit P. Mehta on 8/20/2018. (lcapm2) (Entered: 08/20/2018)  |
| 08/20/2018 |           | Set/Reset Deadlines: Joint Status Report due by 9/19/2018. (zjd) (Entered: 08/21/2018)  |
| 08/27/2018 | <u>12</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Katherine M. Anthony, :Firm– American Oversight, :Address– 1030 15th Street NW B–255, Washington, DC 20005. Phone No. – (202) 897–3918. Fax No. – (202) 871–6523 Filing fee \$ 100, receipt number 0090–5659778. Fee Status: Fee Paid. by AMERICAN OVERSIGHT  |

|            |           |   |
|------------|-----------|---|
|            |           | (Creighton, Sara) (Entered: 08/27/2018)   |
| 09/18/2018 |           | MINUTE ORDER granting <u>12</u> Motion for Leave to Appear Pro Hac Vice. Attorney Katherine Marie Anthony is hereby admitted pro hac vice to appear in this matter on behalf of Plaintiff. Signed by Judge Amit P. Mehta on 09/18/2018. (lcapm2) (Entered: 09/18/2018)  |
| 09/19/2018 | <u>13</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Anthony, Katherine) (Entered: 09/19/2018)   |
| 09/27/2018 |           | MINUTE ORDER. In light of the parties' <u>13</u> Joint Status Report, the parties shall submit an additional Joint Status Report no later than October 30, 2018, which updates the court on the status of production and, if necessary, proposes a summary judgment briefing schedule. Signed by Judge Amit P. Mehta on 9/27/2018. (lcapm2) (Entered: 09/27/2018)   |
| 09/27/2018 |           | Set/Reset Deadlines: Joint Status Report due by 10/30/2018. (zjd) (Entered: 09/28/2018)   |
| 10/30/2018 | <u>14</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Anthony, Katherine) (Entered: 10/30/2018)   |
| 10/30/2018 |           | MINUTE ORDER. In light of the parties' <u>14</u> Joint Status Report, the parties shall submit an additional Joint Status Report no later than November 28, 2018, which updates the court on the status of production and, if necessary, proposes a summary judgment briefing schedule. Signed by Judge Amit P. Mehta on 10/30/2018. (lcapm2) (Entered: 10/30/2018) |
| 10/30/2018 |           | Set/Reset Deadlines: Joint Status Report due by 11/28/2018. (zjd) (Entered: 10/31/2018)   |
| 11/28/2018 | <u>15</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Anthony, Katherine) (Entered: 11/28/2018)   |
| 11/29/2018 |           | MINUTE ORDER. In light of the parties' <u>15</u> Joint Status Report, the parties shall submit an additional Joint Status Report no later than January 19, 2019, which updates the court on the status of production and, if necessary, proposes a summary judgment briefing schedule. Signed by Judge Amit P. Mehta on 11/29/2018. (lcapm2) (Entered: 11/29/2018)  |
| 11/29/2018 |           | Set/Reset Deadlines: Joint Status Report due by 1/19/2019. (zjd) (Entered: 11/29/2018)  |
| 01/17/2019 | <u>16</u> | Unopposed MOTION to Stay by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Simon, Jeremy) (Entered: 01/17/2019)  |
| 01/18/2019 |           | MINUTE ORDER granting Defendant's Motion to Stay Proceedings. This matter is hereby stayed. Within three days of Department of Justice operations resuming, Defendant notify the court by when the parties will file their next Joint Status Report. Signed by Judge Amit P. Mehta on 1/18/2019. (lcapm2) (Entered: 01/18/2019)                                     |
| 01/30/2019 | <u>17</u> | NOTICE of Restored Government Funding by U.S. ENVIRONMENTAL PROTECTION AGENCY (Simon, Jeremy) (Entered: 01/30/2019)   |
| 01/30/2019 |           | MINUTE ORDER. The parties shall file their next Joint Status Report no later than February 7, 2019. Signed by Judge Amit P. Mehta on 1/30/2019. (lcapm2) (Entered: 01/30/2019)  |
| 01/30/2019 |           | Set/Reset Deadlines: Joint Status Report due by 2/7/2019. (zjd) (Entered: 02/05/2019)   |
| 02/07/2019 | <u>18</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 02/07/2019)  |
| 02/07/2019 |           | MINUTE ORDER. The parties shall file their next Joint Status Report by March 27, 2019, updating the court on Defendant's production efforts. Signed by Judge Amit P. Mehta on 2/7/2019. (lcapm2) (Entered: 02/07/2019)  |
| 02/07/2019 |           | Set/Reset Deadlines: Joint Status Report due by 3/27/2019. (zjd) (Entered: 02/08/2019)  |

|            |           |   |
|------------|-----------|---|
| 03/27/2019 | <u>19</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Anthony, Katherine) (Entered: 03/27/2019)   |
| 03/29/2019 |           | MINUTE ORDER. The parties shall file their next Joint Status Report by May 29, 2019, which updates the court on Defendant's production efforts and estimates a date for completing production. Signed by Judge Amit P. Mehta on 3/29/2019. (lcapm2) (Entered: 03/29/2019) |
| 03/29/2019 |           | Set/Reset Deadlines: Joint Status Report due by 5/29/2019. (zjd) (Entered: 03/29/2019)  |
| 05/29/2019 | <u>20</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Anthony, Katherine) (Entered: 05/29/2019)   |
| 07/31/2019 | <u>21</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Anthony, Katherine) (Entered: 07/31/2019)   |